

ACCESSORY STRUCTURES AND BUILDINGS

SECTION 2311: ACCESSORY STRUCTURES & BUILDINGS [amended 4/04]

Accessory buildings shall require a development permit or when required by building codes, a building permit, except as otherwise permitted in this Ordinance, and shall be subject to the following regulations:

1. Attached: Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform with, all regulations of this Ordinance applicable to the main building.
2. Front Yard, prohibition: Buildings or structures accessory to the principal, shall not be permitted in any front yard. Parking lots are prohibited in any residential front yard. Security stations within an "T" District may be erected in any yard. [amended 10/02]
2. Height restrictions: Buildings accessory to residential buildings shall not be more than one (1) story or fourteen (14) feet in height.
3. Detached: Detached accessory buildings shall:
 - a. Be at least six (6) feet from any principal building
 - b. Be at least three (3) feet from any side or rear lot line.
 - c. Not be located within a dedicated easement or right-of-way.
 - d. Any accessory structure placed in a residential property or zone in the city shall be of residential construction properly painted or sided. Pole style storage buildings and sheet metal accessory structures are prohibited in all residential zones or developments. [amended 8/01]
5. Replacement: Existing accessory structures may be replaced on the existing footprint provided they are wholly contained within the property and meet the required front yard setback.
6. Satellite Dishes: Satellite dishes over twenty four inches (24") in diameter shall be considered accessory structures. The setback placement of satellite dishes shall be measured from the outermost edge of the dish.

7. Number: No more than one (1) accessory building shall be located on any parcel within an "R" or "RT" district, except that two (2) may be permitted when one is a garage or other shelter for automobiles belonging to the residence.
8. Not Permitted Prior to a Principal Structure: Accessory buildings and structures shall not be erected on a lot or parcel in a residentially zoned district prior to the establishment of a principal structure. Where two or more abutting lots are held under one ownership or control in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one which the principal building is located, provided both lots are combined and used as one with a single tax description.
9. Solid Fuel Heating Appliances: Due to the nuisance smoke and concerns regarding the public safety and welfare of residents living in relatively close proximity to one another, outdoor solid fuel heating appliances are prohibited in all zoning districts in the City of Muskegon. [amended 1/06]
10. Wind Turbines: Wind turbines as accessory structures are allowed in Industrial and Business zones, after review and approval of the site plan by the Planning Commission with the following conditions:
 - a. Minimum parcel size shall be two (2) acres.
 - b. For safety reasons, one of the following is required of any tower capable of being climbed:
 - i. A six (6) foot locked, protective fence around the perimeter of the base of the wind turbine.
 - ii. A climbing apparatus no closer than 12 feet from the ground.
 - c. Wind turbine set backs from the property line shall be at least equal to one and one half times the vertical height measured from the ground to the tallest point of the structure, including the highest elevation of the wind turbine rotor.
 - d. Height limit of any free-standing wind turbine shall be 65 feet. Such total height shall include both support structure and the highest elevation of the wind turbine rotor. Height limits on top of a building shall be allowed according to Section 2309, Height Regulations.
 - e. Wind turbines shall be located away from overhead utility lines, including service drops, and if the structure should fail, must fall at least (five) 5 feet away from any overhead utility lines.
 - f. Wind turbines may not be located in the front yard in Business zoning districts.
 - g. Wind turbines shall be permitted to be located on the site prior to the principal structure only if accessory to the rest of the development or part of a wind turbine facility.
 - h. Wind turbines shall meet the requirement of Article II, Section 26 of the City of Muskegon Code of Ordinances (noise ordinance).

- i. The owner shall make all reasonable efforts to minimize shadow flicker to any occupied building on the property or any adjacent property.
- j. An abandoned wind turbine must be removed from the site by the property owner within 12 months. It shall be considered abandoned from the last date that it was providing electricity for the grid or development. If removal of the wind turbines and related facilities are not completed within 30 days from the date of notification by the Zoning Administrator, the City of Muskegon may proceed to remove the wind turbine and related facilities, in which case the salvaged material becomes the property of the City and all costs of removing the wind turbine and related facilities will remain the burden of the property owner and added to owner's tax bill as a lien on the property.
- k. No signage shall be allowed, except for one sign not exceeding two (2) square feet posted at the base of the tower, containing the following information:
 - i. "Warning high voltage"
 - ii. Manufacturer's name.
 - iii. Operator's name.
 - iv. Emergency phone number.
 - v. Emergency shut down procedures.
- l. Wind turbines shall require a building permit and must comply with all requirements of the Building Inspections Department.
- m. Wind turbines shall be designed so as to have the least impact on the aesthetics of surrounding properties and sight lines. They shall be either monopole or monolithic tube construction and a non-obtrusive color, such as white, off-white or gray.
- n. In the case of multiple wind turbines on the site, Section 2310, #4 through #8 shall apply and review and approval of the site plan must be granted by the Planning Commission. [amended 10/09]